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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

**DECISION ON PETITION
TO WITHDRAW THE HOLDING OF
ABANDONMENT**

GRANT R CLAYTON
CLAYTON HOWARTH & CANNON, PC
P O BOX 1909
SANDY UT 84091-1909

In re Application of:
Ivie, et al
Application No.: 09/004,040
Filed: January 7, 1998
For: **INFORMATION COMMUNICATION
SYSTEMS**

This is a decision on the request filed March 22, 2004 which is considered as a Petition to Withdraw the Holding of Abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

This application was held abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed August 18, 2003. A Notice of Abandonment was mailed March 15, 2004.

Petitioner alleges to have timely filed a proper response to said non-final Office action, but inadvertently included in the header information the wrong serial number. In support, petitioner has provided evidence in the way of a copy of the response which included a certificate of facsimile transmission which was signed by the petitioner. A review of the application file record having the inadvertent serial number, yielded the original submission.

The original submission correctly identified in the header section, the appropriate inventorship, title, filing date, and attorney docket number, for the subject application. Therefore, it is evident that the original response was received by the Office. Applicant is reminded to insure the accuracy of the transmittal information in the future to avoid potential abandonment.

In view of the above reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn

Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the TC2600 technical Support staff for entry of the original submission, i.e., the amendment filed via facsimile transmission on October 14, 2003, and from there will be forwarded to the Examiner for appropriate action in due course.


Dwayne D. Boyce
Special Program Examiner
Technology Center 2600
Communications